

Responding to Sexual Harrassment



Rape & Domestic Violence Services Australia

Purpose: The purpose of this policy is to outline the principles and procedures for the Greens NSW to prevent sexual harassment, and to deal with incidents of sexual harassment where they occur. The Policy also provides guidance for responding to complaints and incidents of behaviour that may be a criminal offence, including sexual assault, indecent exposure, and stalking, by or against members or volunteers. The purpose of this Policy is also to provide a framework to discourage sexual harassment in Greens NSW workplaces and volunteer forums, including Local Group forums, and to ensure that – where a person has been suspended or expelled as a result of sexual harassment - ensuring that appropriate information is shared with Local Groups, other State Green parties and the Australian Greens.

Version number: Version 4

Prepared by: Rochelle Flood and Jenny Leong

Approved by: Committee of Management

Date approved:

Managed by: Damiya Hayden (November 2021-Present)

Contact: Damiya Hayden (Convenor) convenor@nsw.greens.org.au OR Caroline Atkinson (Operations Manager) Caroline.Atkinson@nsw.greens.org.au

Review date: 2021

File location: SharePoint, Greenhouse and GNSW website (Add links when live)

Revision History:

Version	Approved by	Amendment notes
V. 1		Jan 2017
V. 2		July 2017
V. 3		Nov 2017
V. 3.3		Dec 2017
V. 3.4		Oct 2018 – change of contact details
V. 3.5		April 2021 – change of contact details
V. 4	CoM	Aug 2020 – developed with RDVSA

Contents

Policy Statement	3
Scope	3
Definition of Sexual Harassment	3
Legal Framework	4
Rights of complainants, bystanders, whistle blowers, witnesses and alleged harasser/s	4
Principles for Policy	5
Principles for Procedure	6
Reports	6
Review	7
Sanctions	7
Monitoring and Reporting	7
Complaints procedures	8
Information and support	8
Making a Complaint	9
Informal Responses	10
Formal Responses.....	10
Review Process	10
External Review.....	11
Criminal Offence.....	11
Civil Proceedings.....	11
Outcomes of the Review	11
Confidentiality.....	12
Sanctions and disciplinary measures	12
Implementation of the policy	13
Monitoring, Reporting and Evaluation	13
Definition of other terms	14
Contacts List	15
Acknowledgements and References	15

Policy Statement

The Greens NSW is committed to providing a safe environment for all its employees, members, volunteers, and the public with whom it comes into contact. A safe environment is free from discrimination and harassment including sexual harassment. The Greens NSW are a feminist organisation and do not tolerate any form of gendered exploitation. Sex based harassment is prohibited at all organisational workplaces and events. All complaints of harassment will be reviewed against the organisation's **Code of Conduct** and when found, on a balance of probabilities, to be substantiated the harasser/s will be sanctioned. Employees, members, and other persons are encouraged to report incidents of sexual harassment to help make the organisation safe.

Scope

1. This policy is inclusive of anyone who can be sexually harassed or who can sexually harass within the Greens NSW organisational system including Members, employees, volunteers, contractors, students, and attendees at any Greens NSW events.
2. This policy is inclusive of any place where the Greens NSW conducts its activities including, but not limited to NSW Greens offices, campaigning sites and meetings.
3. Claims of sexual harassment can be made at any time, including for inadequate response to prior reports, or if there was retaliation in response to a report.

Definition of Sexual Harassment

1. Sexual harassment is unwelcome sexual conduct in organisational environments.
2. The complainant is the source of the determination that conduct is unwelcome.
3. Sexual harassment is an unwelcome sexual advance, unwelcome request for sexual favours or other unwelcome conduct of a sexual nature which makes a person feel offended, humiliated and/or intimidated, where a reasonable person would anticipate that reaction in the circumstances.
4. The conduct can be
 - a. one person against another
 - b. one person against a group
 - c. a group against one other, or
 - d. a workplace environment that is sexually permeated where pornography, sexual banter, crude conversation or innuendo, and offensive jokes are common practice.
5. These behaviours may also be criminal with the definition dependant on the state or territory in which the incident/s occurred – refer to **Legal Frameworks** and **Criminal Offence**.
6. Sexual harassment may take various forms including:

Physical Conduct

- Unwelcome physical contact includes patting, pinching, stroking, kissing hugging, fondling or inappropriate touching
- Physical violence including sexual assault
- Physical contact

Verbal Conduct

- Comments on a worker's appearance, age, private life, etc
- Sexual comments, jokes, and stories
- Sexual advances

- Repeated and unwanted social invitations for dates or physical intimacy
- The use of job or membership related threats or rewards to solicit sexual favours
- Insults based on the sex or gender identity of the person
- Condescending or paternalistic remarks
- Sending explicit messages (by phone, email, text, social media)

Non-verbal Conduct

- Display of sexually explicit or suggestive material
- Sexually suggestive gestures
- Whistling
- Leering
- Stalking

Hostile environments

- Display of obscene or pornographic materials
- General sexual banter, crude conversation or innuendo and offensive jokes

Legal Framework

Sexual harassment is against the law.

1. The **Sex Discrimination Act 1984** (Cth) defines the nature and circumstances in which sexual harassment is unlawful. Employers and others can be held responsible under the Sex Discrimination Act for acts of sexual harassment done by their employers or agents.
2. The **Anti-Discrimination Act 1977** [NSW] makes sexual harassment unlawful in the workplace and in certain other circumstances. It is also against the law for anyone to hassle, victimise or treat a person unfairly because: they have complained to another person about harassment; they have complained to the Anti-Discrimination Board; or they have supported someone with a harassment complaint, or acted as a witness in a harassment matter.
3. Sexual harassment violates a number of human rights under the 1948 **United Nations Universal Declaration of Human Rights** including Article 1 that says, "All human beings are born free and equal in dignity and rights", Article 3 which provides that "Everyone has the right to life, liberty and security of person", and Article 5 which provides that "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment".
4. Some forms of sexual harassment are a criminal offence including sexual assault, indecent exposure, and stalking. Sexual assault occurs when someone is forced, coerced, or tricked into sexual acts or exposed to sexual situations without their consent. It can include when a person is unable to consent, such as when they are intoxicated.

Rights of complainants, bystanders, whistle blowers, witnesses, and alleged harasser/s

Any person can make a report of sexual harassment within the scope of the policy, including the person who experienced the sexual harassment and witnesses. All parties may be affected by the claim including the person who has had the experience, bystanders, witnesses, reporters, and investigators. All parties are accorded equal rights as follows:

1. To be offered access to counselling and other supports to assist in recovery and management of the impacts of the complaints process.
2. To receive information about the sexual harassment complaints process, and their rights and options prior to making a complaint.
3. To be informed of their complaint options, be offered time to consider, and when a decision is made, to have the decision supported and respected.
4. To have a choice to make reports internally to a **nominated person** or to external bodies including police and the Human Rights Commission and to receive equal support irrespective of which option is chosen.
5. To have a complaint reviewed quickly, respectfully and in confidence and be advised of limits to confidentiality e.g. risk of harm to self or others or when the complaint involves a young person.
6. To have a support person attend all activities associated with the complaints process.
7. To participate in the process through making a complaint and providing supporting information.
8. To have their wishes heard, documented, and taken into consideration. This includes what the person may need to make them feel safe in organisational environments and systems during and after the investigation and what recovery support they may require.
9. To be able to continue day-to-day activities in relation to the organisation safely while the review is being carried out.
10. To be protected against retaliation.
11. To be routinely advised of the progress of the investigation including when a review transitions through its stages and receive written notice of the outcome including findings and sanctions with the aim of supporting the complainant's wellbeing.
12. To have the complaint and its outcomes properly documented and included in a non-identifying **Complaints Register**.

The person against whom the complaint has been made has the right to be:

1. Fully informed of the complaint made against them and be offered adequate time to prepare a response.
2. Fully informed of the complaints process and potential outcomes.
3. Offered access to support and advice services.
4. Provided with information in relation to the process, confidentiality, and the consequences if any attempt by them or someone on their behalf is made to influence the process, complainant or others engaged in the process.

Principles for Policy

1. All persons within the Greens NSW organisational system should be free from discrimination on the basis of their gender or other identity including race, ethnicity, age, disability, nationality, religion, sexual orientation, and any other social vulnerabilities (intersectional identities). This is in keeping with the Four Principles of The Greens NSW Constitution including social equality and non-violence.
2. Sexual harassment occurs in a context of unequal power relations that are socially constructed.
3. Sexual harassment intersects with other dimensions of structural inequality that intensively target certain groups for sexual aggression and use and privileges the perpetrators for impunity on being reported.
4. Anyone can experience sexual harassment regardless of their gender identity and of the gender identity of their harasser. However, women and people with other intersecting identities are more likely to experience sexual harassment.
5. In this policy sexual harassment is conceptualised as a form of gender-based violence against women and peoples with other intersectional identities.

6. Sexual harassment removes from victims the ability to control intimate contact. The policy allows victims to name their experiences and seek accountability thereby claiming control.
7. Greens NSW will provide leadership against sexual harassment and gender-based violence and will proudly speak out and act against abuse.
8. Greens NSW will use this policy to disrupt the system of attitudes and beliefs that deny and rationalise abuse of women and other intersectional identities. This includes ensuring that Greens NSW responses to sexual harassment will acknowledge the gender-based nature and intersectional systems that operate within the Party. The policy will also seek to redress oppression in Greens NSW and in the incident itself.
9. Greens NSW recognises that incidents of sexual harassment may result in the person experiencing the harassment also experiencing a trauma response. It also recognises that people who experience sexual harassment may have pre-existing trauma and that organisational responses to sexual harassment may have the potential to re-traumatise. Greens NSW recognises the harm and trauma impacts to the person experiencing the harassment, bystanders, and workplace culture.
10. Greens NSW policies will be trauma aware and will maximise opportunity to create an empowering and healing environment for the person who experienced harassment, bystanders, and the Greens NSW community.
11. Greens NSW recognises that those who report sexual harassment are helping the Party to deliver its obligation on equality and safety. No one will be victimised for making such a complaint including bystanders and witnesses.

Principles for Procedure

Greens NSW responses to sexual harassment will:

1. Treat all complaints as serious incidents. Complainants, bystanders, and witnesses will be treated with respect and their confidentiality, empowerment and recovery will be of the highest priority. The complaints process will be safe, and complainants will be fully informed of their rights and options. Their choices will be respected and where they decide to make a formal complaint they will be informed of progress and the outcome. This includes refusing to pre-judge claimants as untrustworthy or malicious.
2. Be worthy of complainant and public trust.
3. Be clear, simple, accessible, and comprehensible.
4. Include retaliation protection for the initiating party as well as whistle-blowers, bystanders, and witnesses.
5. Will protect the confidentiality of the complainant and their supporters. Responses will not be used to create secrecy and become a barrier to effective redress or a cover for institutional reputation.
6. Protect complaints, witnesses and alleged harassers from rumours or reputational damage emanating from the process.
7. Be trauma responsive.
8. Be at arms-length from supervisory authority so that investigations do not contribute to unequal power dynamics that drives sexual harassment.

Reports

1. Complainants will be provided multiple avenues for seeking information and making a complaint.
2. Support, tailored to the individual's needs, will be made available to participants throughout the complaint process. This support will include measures to ensure people feel safe to continue their role

within the organisation. Support will be provided equitably to all parties including complainants, bystanders, witnesses, whistle-blowers, and the alleged harasser.

3. Greens NSW will support any person's right to report their experience/s to Police or any other body or authority.

Review

1. The Organisation will promptly review any complaint of sexual harassment irrespective of when the incident(s) occurred.
2. The review will be independent of Greens NSW power structures and be, and appear to be, separate from any chain of command.
3. **Nominated responders** and **Review Committee** members will be diverse and representative. A maximum of three people will form the **Review Committee** and a maximum of two others will support the committee in its work.
4. If the Greens NSW does not have the knowledge or expertise to conduct a review and/or when there is a conflict of interest in carrying out an internal review, and/or the integrity of the process may, or may appear to be, compromised, the review will be referred to the Human Rights Commission.
5. Complaints will be reviewed against the expected behaviour of the organisations **Code of Conduct** and the decision will be determined using a 'balance of probabilities' measure.
6. **Review Committee** members and support staff involved in the complaint process will hold collective knowledge in gender studies, trauma impacts and recovery, information analytics, organisational governance, and the law.
7. Organisational representatives who hear, report on and review complaints, and counsellors and people who may be the first point of disclosure will be trained. At a minimum they will be trained in the principles and implementation of the Greens NSW sexual harassment policy, how to respond to a complainant with compassion and the importance of complainant decision making and confidentiality. They will also be provided vicarious trauma training to assist in managing the impacts on self. Greens NSW is committed to providing sexual harassment prevention education and awareness training for all members and employees and making clear and easily available information available to contractors, members of the public and others.

Sanctions

1. Any person found to have sexually harassed another may be directed to undertake remedial action such as behaviour change counselling, or face dismissal from employment, or Greens NSW membership and exclusion from Greens NSW events.
2. Sanctions range from proportionality according to the severity of behaviour sanctioned.
3. Sanctions against harassers will be deidentified and disseminated periodically in the **Complaints Register**
4. Data reflecting settlements will be kept and made publicly available periodically.
5. Non-disclose agreements are not permitted.

Monitoring and Reporting

1. Sexual harassment policies will be promoted and made accessible. Procedures and responses will be conducted transparently.
2. Non-identifying sexual harassment review outcomes will be periodically reported and made publicly available in the **Complaints Register**
3. Data will be collected on the entire cycle of reports, disaggregated by intersectional identities with official steps taken or not taken and made publicly available through normal reporting functions of the Greens NSW.

4. Data will be used for training, cultural change, and prevention strategies in accordance with the **Sexual Harassment Prevention Policy and Procedure**.

Complaints procedures

Information and support

- If a person has been sexually harassed or has had an experience or experiences that may be sexual harassment, they have a right to complain.
- If a person is a bystander, whistle blower, or witness to an act of sexual harassment, with the knowledge of the person who experienced the act/s, they have an ethical obligation to complain.
- 'The complainant' referred to below should be read to include the person who experienced the harassment, a bystander, whistle blower or witness.

In considering making a complaint the complainant can:

1. Seek support and information about the Sexual Harassment complaints process from a **nominated person**. This person will be a member of the organisation and generally someone who is empowered to act as a compassionate responder and has the capacity to liaise with the **Review Committee**. The contact details of those who have completed training to become a **nominated person** will be made widely available throughout the organisation.
2. The **nominated person** will provide information and advice including:
 - a. That everyone has a right to be safe at work, and when participating in any Greens NSW activities.
 - b. That experiences of sexual harassment can have psychological, emotional and trauma impacts, that support services are available, and that the **nominated person** can assist the complainant to contact these services.
 - c. Details of the **Sexual Harassment Response Policy**, process and options including that making a complaint is a person's right.
 - d. Confirmation of the confidentiality protections in the policy
 - e. Explaining and clarifying expectations about the review, its procedures, and outcomes.
 - f. Listening to the complainant's concerns and fears and assist in distress reduction.
 - g. Explaining what will happen, when, and that the complainant will be kept informed.
 - h. Provide information about, and if the complainant chooses to, support them to make a complaint to, or seek assistance from, an external organisation. External organisations may include
 - i. Australian Human Rights Commission
 - ii. Women with Disabilities Australia
 - iii. People with Disabilities Australia
 - iv. ACON
 - v. Legal Aid
 - vi. Women's Legal Service
 - vii. NSW Police
 - viii. Relevant unions
 - ix. A private lawyer
 - i. Explaining that the complaint can result in a **formal** or **informal response**.
 - j. The **nominated person** will assist the complainant by:
 - i. Supporting them to access trauma and legal advice services

- ii. Providing contact information if the complainant chooses to put the complaint in writing to the **Review Committee**
- iii. Recording the complaint on behalf of the complainant and forwarding it to the **Review Committee**.
- iv. Initiating immediate action to ensure the safety of the complainant and others including:
 - 1. Relocation of the person against whom the complaint has been made,
 - 2. Immediate stand-down of the person against whom the complaint has been made,
 - 3. Direction to the person against whom the complaint has been made that while the complaint is being reviewed, that if they are engaging in any of the alleged behaviours, they are to cease those behaviours immediately.

Making a Complaint

1. At each stage of the complaints process the information and support detailed above will continue to be offered. For **formal complaints**, the complainant will be kept informed of the **Review Committee** progress. The complainant can choose to cease participation in the process, or they can take their complaint to an external body at any time.
2. A complaint can be made in writing to the **Review Committee**, or the **nominated person** can record the complaint on behalf of the complainant. Where the **nominated person** is recording the complaint, they will ask the complainant to review what they have recorded until they are sure the record reflects the complaint. The **nominated person** will provide the complainant with a copy of their complaint.
3. The **nominated person** will become the complainants point of communication and contact throughout the complaints process. They will assist the complainant with any concerns or questions and to access services and supports. They will also make sure the complainant is informed of complaint timeframes and progress, the outcome/s and any immediate and ongoing measures that are taken to ensure the complainants' and others safety. The nominated person is responsible to ensure that the complainant's wellbeing is being prioritised throughout the process.
4. The level of detail provided in relation to the complaint is the decision of the complainant. To assist in the complaint review, the following is requested, but not required:
 - a. The complainants contact details - these will be kept confidential to the **Review Committee**, the **nominated person** and where necessary, for the purposes of natural justice, the person against whom the complaint is made. Documentation will be numbered to link information where others may have access.
 - b. The person or persons against whom the complaint is made, if known.
 - c. The time and dates of the incident/s, if known.
 - d. As much detail about what happened as the complainant is willing to provide. The **nominated person** and the **Review Committee** will understand the distress recording the incident may cause for the complainant. All parties will be empathetic and consultative if they have questions as they move through the review process.
 - e. In consultation with the **Review Committee** an estimate of the timeframe for review of the complaint will be developed and provided to the complainant.
 - f. Complaints should be acknowledged within 24hrs of the complaint being made. Outcomes of the investigation are provided to the complainant within 7 working days of the decision. The policy acknowledges that complaint response times may be impacted by the complexities of conducting investigations within a dispersed Membership. Complainant's will be updated if there are material changes in the proposed timeframe.

Informal Responses

Informal responses emphasise resolution rather than seeking actual proof or substantiation of a complaint. Greens NSW **informal responses** may include:

- Advice to the complainant on how to deal with the situation themselves,
- Taking up the complaint on behalf of the complainant, where the alleged harasser admits the behaviour and investigation is not required, or where the Greens NSW becomes aware of inappropriate conduct and takes independent action without a complaint being made.

Informal responses will include informing the complainant of the response and are recorded in the **Complaints Register**.

Formal Responses

Formal responses focus on proving whether a complaint is substantiated.

Review Process

1. The complaint will be reviewed by the **Review Committee**.
2. Until such time as the Greens NSW is confident in meeting the principles and practices of this policy, all reviews will be referred to the Human Rights Commission for **external review** (see **External Review**).
3. At such time as the Greens NSW have the capacity to carry out investigations the **Review Committee** will:
 - a. Represent more than one participation domain of the organisation (for example a member and/or an employee and/or a volunteer).
 - b. Be non-hierarchical.
 - c. Include a participant who has lived experience and/or has intersectional identity.
 - d. Include a woman.
 - e. Have appropriate expertise and training in sexual harassment and trauma-resourced responses.
4. Where these conditions cannot be met the investigation will be referred to an external body (see **External Review**).
5. The **Review Committee** will chart a review process based on the principles of natural justice and tailored to the specifics of the complaint. This will include the people and information the committee will require to make their determination and the review timeframe. This information will be provided to the complainant.
6. The review will be undertaken within a reasonable timeframe with reference to the defendants right to gather information to support their case, the distress the process will cause the complainant and the need to finalise the matter.
7. The **Review Committee** will consider all relevant information. This may include interviews with participants to the complaint.
8. Interviews will be conducted at a time and place that is reasonably suitable to participants and with reference to the planned timeframe.
9. All parties to be interviewed will be interviewed separately and appointment times will ensure no one comes in contact with another interviewee.
10. All parties can invite a support person to attend with them. They must provide the support persons details to the **Review Committee** at the time of confirming the interview arrangements.
11. The complaint will be reviewed against the organisation's **Code of Conduct**. The 'balance of probabilities' test will be applied in making a determination.

12. Criminal concepts will not be employed.
13. History of the accused harasser/perpetrator that is known to the Greens NSW is highly relevant.
14. The investigation will ensure confidentiality and natural justice principles are respected.

External Review

1. In agreement with the complainant, at the complainant's request, or where a **Review Committee** with suitable membership cannot be formed an external body will be requested to complete the review. The body will hold the appropriate review expertise.
2. This body will be responsible for managing the review and providing recommendations based on outcomes.
3. The **Review Committee** and the **nominated person** will accept the findings of the external review and be responsible for implementing recommendations and for recording the outcome in the Complaint Register.
4. If the complaint is being investigated under another jurisdiction (for example by the Department for Parliamentary Services NSW) Greens NSW will uphold their responsibilities under this Policy. In these circumstances a **nominated person** will continue to engage with the claimant and provide support as per the policy and the **Review Committee** will retain responsibility to ensure that the Greens NSW respond appropriately when outcomes are known. This includes recording in the **Complaints Register**, sanctioning the harasser and making changes to the Organisation as required.

Criminal Offence

1. The **Sex Discrimination Act** makes sexual harassment a civil not criminal offence. However, some types of harassment may also be offences under criminal law. These include:
 - a. physical molestation or assault;
 - b. indecent exposure;
 - c. sexual assault;
 - d. stalking; and
 - e. obscene communications (telephone calls, letters, etc) (*Human Rights Commission*)
2. If the **Review Committee** suspects that a criminal incident has occurred, the complainant will be informed of the **Review Committee's** view. The complainant will be encouraged and supported to report the matter to Police. However, the choice to do this will always be with the complainant.
3. This conclusion by the **Review Committee** will not change their planned review of the complaint.

Civil Proceedings

Any person who has experienced sexual harassment may commence civil proceedings at any time. The defendant in a civil proceeding can be the organisation, the individual or both.

Outcomes of the Review

1. Where a complaint, on the balance of probabilities, is not substantiated, support will be provided to the complainant and alleged harasser to enable all parties to feel safe to re-engage with the Greens NSW and their activities in it.
2. Where the complaint is substantiated, the harasser will be sanctioned (see below).
3. Outcomes will include recommendations to support healing, and recovery for the complainant/s and others affected by the incident. This may include access to specialist external counselling.
4. Outcomes will also include recommendations for recovery, healing and change within the Greens NSW. This would generally include review of the effectiveness of the Responding to Sexual Harassment Policy

and further education and training in: Gender Equality, Ethical Bystander and/or Violence Prevention workshops.

5. Settlements are permitted between the Greens NSW and the complainant where mediation of the complaint is conducted by a qualified and impartial person. Complainants will be provided with appropriate support and advocacy to participate in settlement negotiations.
6. Non identifying reports will be published in the Greens NSW **Complaints Register** including any sanctions and settlements.
7. Non-disclosure agreements in relation to sexual assault or sexual harassment are not permitted.
8. The complainant retains the right to pursue the grievance as a **Civil Matter** [See Civil Proceedings].

Confidentiality

Confidentiality throughout the complaints process is critical for the safety of the complainant and the process of natural justice.

Only the **nominated person**, the **Review Committee** and professional supporters of the complainant will know the identity of the complainant and the person against whom the complaint is being made. All records will be number identified and linked.

The complainant will be encouraged to seek support. While they may say they have made a complaint of sexual harassment they cannot name the person or person/s against whom the complaint has been made to others or provide details that may enable people to conclude who the defendant may be.

The person who is alleged to have sexually harassed another or others will be informed that apart from communication with the **Review Committee** and professional supporters such as a counsellor or lawyer, they are not to discuss with anyone that a complaint has been made against them. Prior to talking with anyone about the allegation they will seek written permission from the **Review Committee** to contact their **nominated supporter/s**.

Any others who are party to the complaint will be informed that apart from communication with the nominated person, the Review Committee, and professional supporters, they are not to discuss with anyone that a complaint of sexual harassment has been made. If they choose to speak with a support person, they will seek written consent from the **Review Committee**.

Confidentiality is informed by the need to balance transparency and confidentiality and should protect victims, deter harassers, and maintain natural justice. Confidentiality should not restrict the complainants right to speak. If there is legitimate public interest and an allegation is substantiated, Greens NSW may identify the harasser, but this decision will be made in consultation with the complainant.

Sanctions and disciplinary measures

1. Substantiated claims will result in prompt, appropriate and publicly disseminated sanctions against harassers regardless of their seniority or status.
2. All parties will be advised of outcome in a timely manner.
3. All reports of sexual harassment within the Greens NSW Organisational system will be recorded in the Complaints Register including sanctions and disciplinary measures so that the Organisation can track

multiple forms of harassment. This is the responsibility of the **Review Committee**. Harassers will not be moved to avoid responsibility or sanctions.

4. Sanctions will range proportionally according to the severity of behaviour. Commonly they may include:
 - a. A written caution
 - b. Further education or cultural change initiatives
 - c. Changes in contractual arrangements
 - d. Behaviour change counselling,
 - e. Suspension from employment, or organisation membership,
 - f. Dismissal from employment, or organisation membership,
 - g. Exclusion from Organisational events.
 - h. Or a mixture of the above.
5. The claimants wish for an apology or other outcome will be considered.

Implementation of the policy

1. All persons involved in the response procedure will be provided with appropriate training in order to have the expertise required to enact the policy. This will include **nominated persons**, supporters, and **Review Committee** members. This will include training in trauma-resourced practices.
2. Persons involved in sexual harassment responses will include a diversity of identities and roles within the Greens NSW independent to hierarchical structure. This may include diversity in race, ethnicity, disability, gender identity, and include members, employees, and volunteers. Where possible, the Greens NSW will seek persons with lived experience as well as persons with expertise in trauma or violence against women.
3. The Organisation will ensure that it can provide the resources necessary to enact this policy.
4. This policy as well as a procedural document for complainants and an Easy Read document will be made available on Greens NSW websites and will be launched and promoted. It will be included in Member, employee, volunteer, and contract worker induction processes.
5. The Policy will be appropriately promoted to be useful to all Members.

Monitoring, Reporting and Evaluation

1. Sexual harassment data will be measured and collected to help improve understanding of the scope and nature of the problem posed by sexual harassment in the Greens NSW including prevalence, nature, and impacts of sexual harassment as well as effectiveness of organisational initiatives designed to address it
2. Incidents of sexual harassment will be made transparent through the Complaints Register. Reporting and other evidence will be used to inform ongoing policy review, prevention strategies, and to contribute to training, advocacy, and awareness-raising activities.
3. Where it is available, the Greens NSW will draw on peer and lived experience to inform its response, recovery, healing, investigation, and review.
4. Policy and procedure will be reviewed annually for the first 3 years. The review will draw on data, community standards and research into sexual harassment, violence against women and intersecting identities, and trauma responses.

Definition of other terms

Alleged Harasser	A person being accused of sexual harassment.
Code of Conduct	Stated expectations of behaviour of all Greens NSW Members, volunteers, employees, and students in the Greens NSW organisational system.
Discrimination	Is rooted in prejudice and occurs when a person or a group of people are treated less favourably than another person or group because of their colour, race, national or ethnic origin, sex, pregnancy or marital status, age, disability, religious or sexual orientation
Gender based violence	Any act that results in, or is likely to result in, physical, sexual, or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life. The violence is specifically directed against a woman because she is a woman or that affects women disproportionately
Harasser	Person against whom a sexual harassment claim has been substantiated by the Review Committee or an external investigator.
Intersectionality	Recognition that systems of oppression based on race, class, gender, sexual orientation, disability, nationality and other social identities intersect to produce different patterns of intragroup oppression and vulnerability. Intersectionality recognises that no life can be reduced into a single factor which describes identity.
Lived Experience	Individuals with lived experience in a particular event or who have had family members who have experienced such events
Nominated Person	Greens NSW designates the role of a nominated person to provide information about sexual harassment and this policy and provide a first response to incidents of sexual harassment. Nominated persons will be trained in this policy, sexual harassment response, and trauma-aware responses. Nominated persons will be representative of a range of identities (including gender, disability, race, ethnicity), a range of roles within the Greens NSW (representing different levels of authority and groups including members, employees and volunteers) and people who have lived experience in sexual harassment or assault, people with knowledge and experience in violence against women, and people with experience in trauma. Nominated persons will play a continued role in sexual assault responses over the course of the response to ensure the complainants wellbeing and act as a main point of contact for the complainant or other person who reports the incident. Complainants or other persons who report the incident may request to change the nominated person and will be provided with an alternative.
Review Committee	The appropriately trained body to which reports of sexual harassment are made comprising of three members and two administration support people and who has responsibility for managing and responding to all complaints.
Trauma	Can occur when an individual has an emotionally harmful experience. It has no boundaries with regard to age, gender, socio-economic status, race, ethnicity, geography or sexual orientation. Trauma can intersect with experiences of oppression and powerlessness and situations of marginality. Organisational practices, structures

	and systems can induce trauma or re-traumatise individuals with histories of trauma (Substance Abuse and Mental Health Services Administration)
--	---

Contacts List

Internal list of contacts to be added by Greens NSW.

Acknowledgements and References

This Policy has been drawn from a wide range of research, expert advice, and specialist frameworks. These have included the resources below and we acknowledge the contribution.

"Submission: Profession Judith Bessant." *National Inquiry into Sexual Harassment in Australian Workplaces by the Australian Human Rights Commission.*

Online <https://www.humanrights.gov.au/sites/default/files/Submission%20188%20-%20Prof%20J%20Bessant.pdf>: Australian Human Rights Commission, 2020. Print.

Australian Human Rights Commission. "Sexual Harassment (a Code in Practice)." Web2020.

Helen, and Suzi Chinnery. *What Works" Preventing and Responding So Sexual Campbell, Harassment in the Workplace: A Rapid Review of the Evidence Care*, 2018. Print.

Crenshaw, K. "Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics." *University of Chicago Legal Forum* 1989.1 (1989). Print.

Cruz, Adrienne, and Sabine Kloinger. *Gender-Based Violence in the World of Work: Overview and Sected Annotated Bibliography*. Geneva: International Labour Office 2011. Print.

Elze, D. "The Lives of Lesbian, Gay, Bisexual, and Transgender People: A Trauma-Informed and Human Rights Perspective." *Trauma and Human Rights: Integrating Approaches to Address Human Suffering*. Eds. Butler, L., Critelli F., and J. Carello. Cham: Palgrave Macmillan, 2019. 179-207. Print.

Fitzgerald, L. "Still the Last Great Open Secret: Sexual Harassment as Systemic Trauma." *Journal of Trauma and Dissociation* 18.4 (2017): 483-89. Print.

Kanenberg, Heather, Roberta. L. Leal, and Stephen Erich, 'Arch'. "Revising Mcphail's Feminist Policy Analysis Framework: Updates for Use In Contemporary Social Policy Research." *Advances in Social Work* 19 (2019): 1-22. Print.

McLaughlin, Heather, Christopher Uggen, and Amy Blackstone. "Sexual Harassment, Workplace Authority, and the Paradox of Power." *American Sociological Review* 77 (2012): 625-47. Print.

O'Connell, Karen. "Can Law Address Intersectional Sexual Harassment? The Case of Claimants with Personality Disorders." *LAWS* 8 (2019). Print.

Pena, C. "Trauma Abounds: A Case for Trauma-Informed Lawyering." *UCLA Women's Law Journal* 26.1 (2019). Print.

Substance Abuse and Mental Health Services Administration. *Samhsa's Concept of Trauma and a Guidance for Trauma -Informed Approach*. Rockville: SAMHSA, 2014. Print.

UN General Assembly. "Universal Declaration of Human Rights." 217[*iii*]A. Paris1948. Print.

UN Women. *Towards an End to Sexual Harassment: The Urgency and Nature of Change in the Era of #Metoo*. New York: Un Women 2018. Print.